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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,557	09/03/1999	SHIGEYUKI SANO	7217/59652	5566

7590

06/18/2003

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 06/18/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Response to Amendment***

1. The amendment filed on 05/12/03 has been entered. Claims 1 and 9 were amended.

***Response to Arguments***

2. Applicant's arguments filed 05/12/03 have been fully considered but they are not persuasive.

Applicant argues that Sombroek lacks any "means for judging similarity of alternate actions made by said first and second command means".

At column 7 lines 24-28 and column 7 line 47 to column 8 line 7 it is clear that Sombroek determines that actuation of the input device is continued and in response to the continued activation of the input device the speed of the cursor is increased. Thus, even though different buttons (left, right, up, and down buttons) are activated, similarity of alternate action (alternate action being left, right, up, and down and similarity being direction, thus similarity of alternate action is actuation of left, right, up, and down buttons) is determined in order to determine whether to increase the speed of the cursor. This is exactly what applicant is performing in applicants' claimed means for judging similarity of alternate actions made by said first and second command means, see page 8 lines 16-24 of applicants' specification where step S4 determines similarity of operation of buttons, for example when the up-directed button is pressed after the left-directed button is pressed, movement is kept accelerated. Therefore, Sombroek

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teaches a means for judging similarity of alternate actions made by said first and second command means.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sombroek, EP 0 631 223 A1. Sombroek at column 5 lines 37-43 describes continuing the shifting of the speed of the cursor. Sombroek describes on column 4 lines 6-9 a joystick used as a user interface tool. At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. The joystick corresponds to the claimed first and second command means because the joystick supplies at least four signals indicative of left, right, up, and down movement commands. Note figure 4 and pressure sensitive resistors 402-408. Thus, movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input regardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.

A detailed analysis of the claims follows.

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## Claim 1:

Pending claim 1	Sombroek, EP 0 631 223 A1
1. (Six Times Amended) A control apparatus having a first command means to control at an initial speed a first parameter and	The left and right signals of the joystick are generated by a first command means.
a second command means to control at an initial speed a second parameter, said control apparatus comprising:	The up and down signals of the joystick are generated by a second command means.
means for increasing at a predetermined speed one of said first and second parameters when one of said first and second command means is activated continuously;	At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. Movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.
means for judging similarity of alternate actions made by said first and second command means; and	Converter 304 and processor 306 determines if the left, right, up, and down signals from pressure sensitive resistors 402-408 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) since the outputs of pressure sensitive resistors 402-408 are tied together at node 412 column 6 lines 50-51 and their outputs are applied to converter 304. Thus, similarity of alternate actions is judged by converter 304 and processor 306.
means for continuing said predetermined speed of increase when one of said first and second command means is deactivated while one of said first and second command means is activated after said similarity is found by said means for judging similarity and	At column 5 lines 41-44 Sombroek describes increasing the speed from v1 to v2 to v3 to etc. At column 8 lines 2-7 Sombroek describes continuing to increase the speed after similarity has been determined.

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for returning to said initial speed when said similarity is not found.	When the joystick is returned by the user to the center position, the speed of the cursor is returned to zero, column 5 lines 29-35.
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## Claim 9:

Pending claim 9	Sombroek, EP 0 631 223 A1
9. (Six Times Amended) A control method using a first command means to control at an initial speed a first parameter and	The left and right signals of the joystick are generated by a first command means.
a second command means to control at an initial speed a second parameter, said control method comprising the steps of:	The up and down signals of the joystick are generated by a second command means.
increasing at a predetermined speed one of said first and second parameters when one of said first and second command means is activated continuously;	At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. Movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.
judging similarity of alternate actions made by said first and second command means; and	Converter 304 and processor 306 determines if the left, right, up, and down signals from pressure sensitive resistors 402-408 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) since the outputs of pressure sensitive resistors 402-408 are tied together at node 412 column 6 lines 50-51 and their outputs are applied to converter 304. Thus, similarity of alternate actions is judged by converter 304 and processor 306.

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continuing said predetermined speed of increase when one of said first and second command means is deactivated while one of said first and second command means is activated and said similarity is found by said step of judging similarity and	At column 5 lines 41-44 Sombroek describes increasing the speed from v1 to v2 to v3 to etc. At column 8 lines 2-7 Sombroek describes continuing to increase the speed after similarity has been determined.
for returning to said initial speed when said similarity is not found.	When the joystick is returned by the user to the center position, the speed of the cursor is returned to zero, column 5 lines 29-35.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

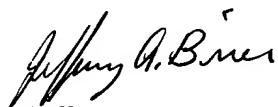
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier  
Primary Examiner  
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